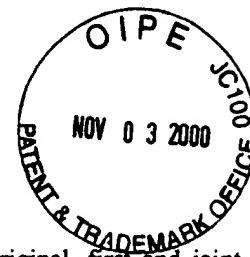


**DECLARATION**  
**FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)**



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PACK ASSEMBLY**, the specification of which

**Check One**

- ☐ is attached hereto.
- ☒ was filed on July 14, 2000 as

Application Serial No. 09/617,045

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119(a) - (d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Application No. | Country | Date of Filing | Priority<br>Yes✓ | Claimed<br>No✓ |
|-----------------|---------|----------------|------------------|----------------|
|                 |         |                |                  |                |

I hereby claim the benefit under 35 U. S.C. 119(e) of any United States provisional application(s) listed below:

| Application No. | Date of Filing | Priority<br>Yes✓ | Claimed<br>No✓ |
|-----------------|----------------|------------------|----------------|
|                 |                |                  |                |

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| Application No. | Date of Filing | Status - Patented,<br>Pending or<br>Abandoned |
|-----------------|----------------|---|
| 09/122,088      | July 24, 1998  | Patented                                      |

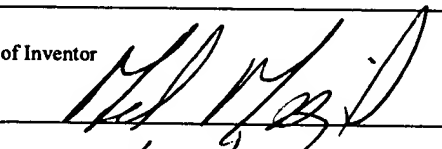
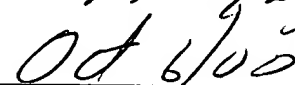
|     |                       |                       |                           |                           |                       |                     |
|-----|-----------------------|-----------------------|---------------------------|---------------------------|-----------------------|---------------------|
| 201 | FULL NAME OF INVENTOR | First Name<br>Melvin  |                           | Middle Initial(s)<br>S.   | Last Name<br>MOGIL    |                     |
|     | RESIDENCE             | City<br>Toronto       | State/Province<br>Ontario | Country<br>Canada         | Citizenship<br>Canada |                     |
|     | POST OFFICE ADDRESS   | 142 Heddington Avenue | City<br>Toronto           | State/Province<br>Ontario | Country<br>Canada     | Zip Code<br>M5N 2K8 |

|     |                       |            |                |                   |             |          |
|-----|-----------------------|------------|----------------|-------------------|-------------|----------|
| 202 | FULL NAME OF INVENTOR | First Name |                | Middle Initial(s) | Last Name   |          |
|     | RESIDENCE             | City       | State/Province | Country           | Citizenship |          |
|     | POST OFFICE ADDRESS   |            | City           | State/Province    | Country     | Zip Code |

|     |                       |            |                |                   |             |          |
|-----|-----------------------|------------|----------------|-------------------|-------------|----------|
| 203 | FULL NAME OF INVENTOR | First Name |                | Middle Initial(s) | Last Name   |          |
|     | RESIDENCE             | City       | State/Province | Country           | Citizenship |          |
|     | POST OFFICE ADDRESS   |            | City           | State/Province    | Country     | Zip Code |

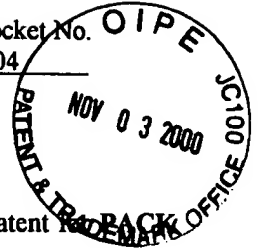
|     |                       |            |                |                   |             |          |
|-----|-----------------------|------------|----------------|-------------------|-------------|----------|
| 204 | FULL NAME OF INVENTOR | First Name |                | Middle Initial(s) | Last Name   |          |
|     | RESIDENCE             | City       | State/Province | Country           | Citizenship |          |
|     | POST OFFICE ADDRESS   |            | City           | State/Province    | Country     | Zip Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|                              |   |
|------------------------------|---|
| Signature of Inventor<br>201 |  |
| Date                         |  |
| Signature of Inventor<br>202 |   |
| Date                         |   |

|                              |  |
|------------------------------|--|
| Signature of Inventor<br>203 |  |
| Date                         |  |
| Signature of Inventor<br>204 |  |
| Date                         |  |

Signatures should conform to names as presented at 201 *et seq.* above



### POWER OF ATTORNEY

We, **CALIFORNIA INNOVATIONS INC.**, owner of the application for United States Letters of Patent for **ASSEMBLY** (Title)

by Melvin S. MOGIL  
(Inventor)

- ☐ executed on even date herewith, or
- ☒ having Serial No. 09/617,045; filed July 14, 2000

do hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Robert B. Murray, Reg. No. 22,980; E. Marcie Emas, Reg. No. 32,131; Douglas H. Goldhush, Reg. No. 33,125; Monica Chin Kitts, Reg. No. 36,105; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; Karen K. Costantino, Reg. No. 35, 107; James A. Poulos, III, Reg. No. 31,714; Herbert C. Rose, Reg. No. 29,846; Patrick D. Muir, Reg. No. 37,403; Sharon N. Klesner, Reg. No. 36,335 and Murat Ozgu, Reg. No. 44,275

Please direct all communications to the following address

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W., Suite 600  
Washington, D.C. 20036-5339

Attention: Charles M. Marmelstein  
Telephone: (202) 857-6008; Fax: (202) 638-4810

I, the undersigned, declare that I am the (an) owner of the above-identified application or, if the owner is a corporation, partnership or other association, I am authorized to make this appointment on behalf of the owner and I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|   |   |
|---|---|
| Name & Title:<br>(If owner is corporation,<br>Partnership or Association) | Melvin S. Mogil<br>President  |
| Post Office Address:  | c/o California Innovations Inc.<br>4211 Yonge Street, Suite 610, Toronto, Ontario, Canada M2P 2A9 |
| Signature:  | Date: Oct 6/00  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Marvin S. MOGIL

Art Unit: 3727

Serial Number: 09/617,045

Filed: July 14, 2000

For: PACK ASSEMBLY



**REQUEST FOR SMALL ENTITY STATUS**

Commissioner for Patents  
Washington, D.C. 20006

November 3, 2000

Sir:

Submitted herewith is a Verified Statement Claiming Small Entity Status for the above-identified application. An acknowledgment of this status is respectfully requested.

In the event any fees are required, please charge our Deposit Account No. 01-2300.

Respectfully submitted,  
Arent Fox Kintner Plotkin & Kahn, PLLC

A handwritten signature in black ink, appearing to read "Charles M. Marmelstein".

Charles M. Marmelstein  
Registration No. 25,895

Atty. Docket No. 100570-00004  
1050 Connecticut Avenue, N.W., Suite 600  
Washington, D.C. 20036-5339

(202) 857-6000

CMM/cb

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))-SMALL BUSINESS CONCERN**

Docket Number  
P100570-00004

Applicant, Patentee, or Identifier: MOGIL, Melvin S.

Application or Patent No.: 09/617,045

Filed or issued: July 14, 2000

Title: PACK ASSEMBLY

I hereby state that I am

- ☒ the owner of the small business concern identified below.  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: CALIFORNIA INNOVATIONS INC.

ADDRESS OF SMALL BUSINESS CONCERN: 4211 Yonge Street, Suite 610, Toronto  
Ontario, Canada M2P 2A9

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING: Melvin S. MOGIL

TITLE OF PERSON IF OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 4211 Yonge Street, Suite 610, Toronto, Ontario, Canada M2P 2A9

SIGNATURE

DATE

Oct 6/00